

early intervention services to your child. There shall not be any personal or professional conflict of interest that would affect the hearing officer's objectivity in making a decision.

- At the hearing you may be accompanied and advised by counsel and by individuals with special knowledge or training in early intervention services for children with disabilities.
- At the hearing you may present evidence and confront, cross-examine, and compel the attendance of witnesses.
- At the hearing you may prohibit the introduction of evidence that has not been disclosed to you at least five days prior to the hearing.
- A record of the proceedings will be maintained. You may obtain a written or verbatim transcription of the proceedings.
- The hearing officer will listen to the presentation of the parties involved, examine relevant information, and reach a timely resolution. You will receive a copy of this decision in writing.
- If you disagree with the final decision, you have the right to bring civil action. This action may be brought in a state or federal district court.

During these proceedings, unless otherwise agreed to by you and the agency, your child will continue to receive the early intervention services that were being provided at the time you made the request for the due process hearing.

System Complaints

If any person or organization believes a responsible public agency has violated any state or federal regulation implementing Part C of the IDEA, a signed, written child complaint may be filed with the Missouri Department of Elementary and Secondary Education. The complaint must include a statement that the agency has violated a requirement of IDEA and the facts on

which the statement is based. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint was received unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.

The complaint will be investigated and resolved within 60 days and a written decision that addresses each allegation in the complaint with findings of fact conclusions and the reasons for the Department's final decision will be sent to the party filling the complaint.

In resolving a complaint in which it has found the public agency out of compliance, the Department shall address how to remediate the violation, including, as appropriate, the awarding of monetary reimbursement or other corrective actions appropriate to the needs of the child and appropriate future provision of services for all children with disabilities. If needed, technical assistance activities and negotiations will be undertaken.

Educational Surrogate Services

If a child is a ward of the state or does not have a parent that can be identified or found, a person will be assigned to act as an Educational Surrogate. An Educational Surrogate may represent the child in all matters related to the evaluation of the child, the development and implementation of the IFSP, and the ongoing provision of early intervention services.

To Find Out More About Your Rights

You can always talk to these persons: the person providing your child's Early Intervention services, your service coordinator, your county System Point of Entry (SPOE) or the Department of Elementary and Secondary Education (DESE).

Our goal in Missouri's First Steps system is the same as yours: To help families make sure their infants and toddlers receive services now to help them in the future. Every family with a child age birth to three years with a disability or a developmental delay may be eligible to be served by the First Steps Early Intervention System. All families served by First Steps are guaranteed these rights by state and federal regulations.

First Steps is a collaborative effort of four state agencies—the Departments of Elementary and Secondary Education, Health and Senior Services, Mental Health, and Social Services. First Steps is supported by federal and state funds from the four agencies and by other local and private agencies throughout Missouri.

Families can contact their county First Steps Office for more information by calling toll free:

1-866-583-2392

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, age, sex, or disability in its programs, services, or employment practices.



Department of Elementary and Secondary Education

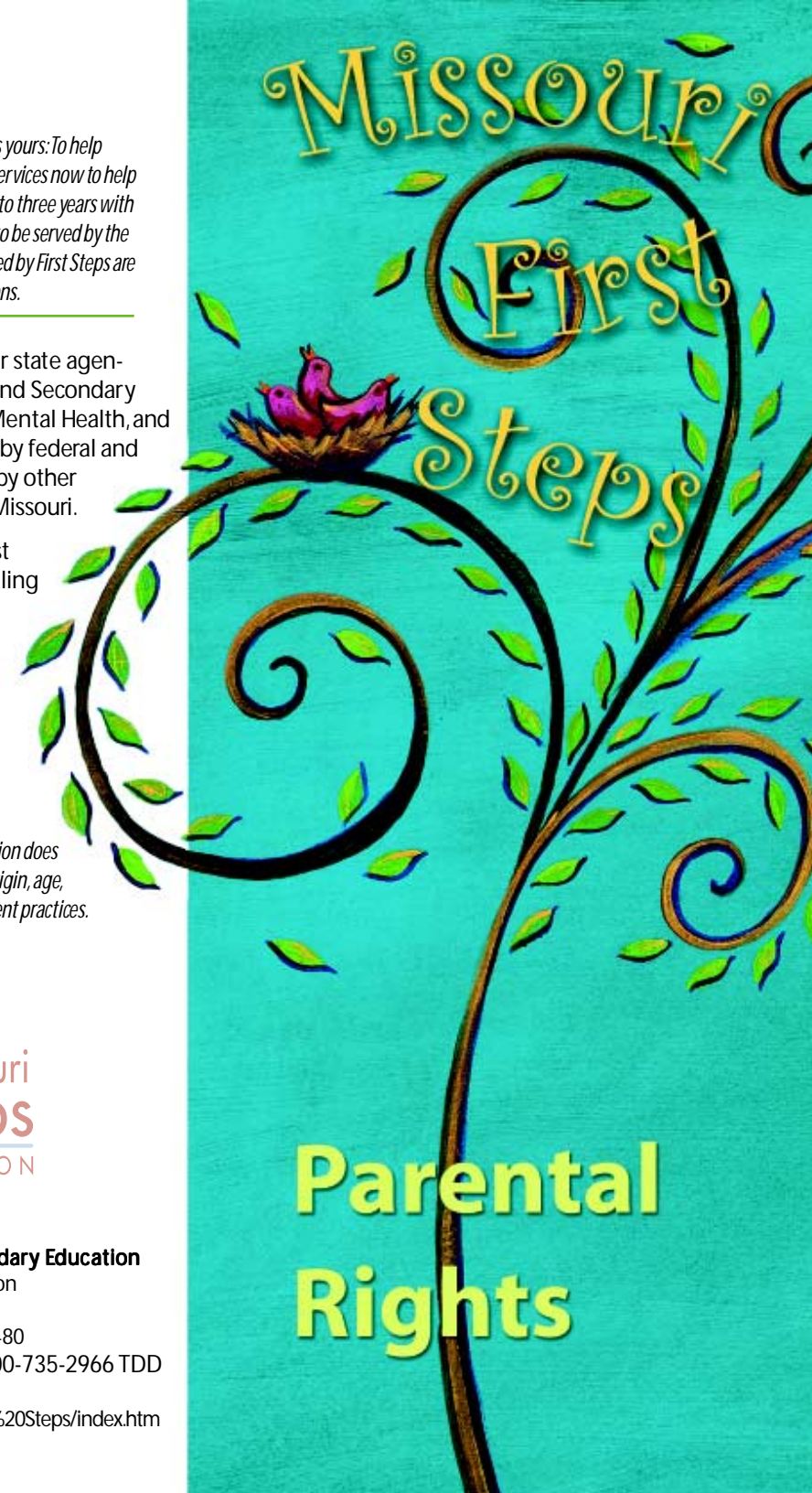
Division of Special Education

P.O. Box 480

Jefferson City, MO 65102-0480

(573) 751-5739; RELAY in Missouri: 1-800-735-2966 TDD

<http://www.dese.state.mo.us/divspeced/First%20Steps/index.htm>



Missouri Families Have the Right To...

An Evaluation

The law provides that all eligible children will receive early intervention services without regard to race, culture, religion, disability, or ability to pay. Eligibility is decided by an evaluation of the child (within 45 days of referral, unless the family requests more time). The evaluation must be done by a multidisciplinary team of two or more qualified professionals who examine the child's medical history, development, and current abilities. If the child is eligible for services, the child and family also have the right to ongoing assessments of the child's strengths, skill levels, progress, and needs.

An Individualized Family Service Plan (IFSP)

Within 45 days of the referral, each eligible child and family must have a written Individualized Family Service Plan (IFSP) for providing early intervention services that includes the family's concerns, priorities, and resources for their child. The IFSP is written for a year and is reviewed at least every six months. It includes the major outcomes for the child and family, how progress will be measured, what and where services will be provided, when they will begin and for how long, methods of payment, and transition at various times throughout the process and upon the child's third birthday.

Consent

Written parental consent must be obtained before conducting an assessment or beginning any early intervention services. Parents may choose to not give consent for any particular service without jeopardizing any other services, and they may refuse a service at any time, even after accepting it, without affecting other intervention services.

Privacy

The law provides for the protection of your privacy at all times. Your written consent must be obtained before personally identifiable information is:

- Disclosed to anyone other than officials of participating agencies collecting or using the information under First Steps; or,
- If the information is to be used for any other purpose than meeting the requirements under First Steps.

Information released from records to participating agencies without parental consent may be done as authorized by the Family Educational Rights and Privacy Act (FERPA), Section 99.31.

Prior Notice

Parents must receive written notice before the public agency or service provider proposes or refuses to initiate or change the identification, evaluation, or placement of a child or the provision of early intervention services to the child and the child's family. This notice must inform the parent of the action(s) being proposed or refused and the reason(s) for the action(s). A copy of the Parent's Rights Statement must be provided with the notice. Notices

must be written in a way that is understandable to the general public. If English is not the native language of the family, the family has the right to receive information in their native language, unless it is clearly impossible to do so. If a family uses another method of communication, such as sign language or Braille, then they have the right to receive information in that way.

Review Records

Parents must be allowed to examine, inspect, and review records relating to their child and family. Parents may ask that records be amended and if the System Point of Entry (SPOE) disagrees, the parents may request a hearing to challenge the information contained in the file. If, as a result of the hearing, the information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the public agency will change the information accordingly and inform the parents in writing.

Individual Child Complaint Resolution (Due Process)

Families have the right to resolve, through a procedure called due process, concerns about their child's identification (eligibility), evaluation, placement, or the provision of early intervention services. A request for a due process hearing may arise from the proposal or refusal of a service provider to initiate or change the identification, evaluation, placement, or provision of early intervention services.

To initiate a due process hearing, a written request for a due process hearing with a statement of your concerns must be submitted to the Director of Compli-



ance, Division of Special Education, Department of Elementary and Secondary Education.

You will be offered the opportunity to use mediation to resolve your concerns before going to a due process hearing. This is voluntary and does not take away your right to a due process hearing. Mediation services are at no cost to you. Both parties who will be participating in the mediation agree to a trained mediator selected from a list maintained by the Department of Elementary and Secondary Education. The mediation session will be scheduled at a location and time mutually agreed upon by the parties. No more than three people can accompany each party to the session unless both parties mutually agree to allow more. Attorneys are not allowed to participate or attend the mediation session. You may be accompanied by a lay advocate.

All discussions held during the mediation are confidential and cannot be used later as evidence in a due process hearing or civil action. Mediation must be scheduled within 15 days and completed within 30 days of the decision to mediate.

Should you decide that you do not want mediation services, a due process hearing will be held to review your concerns. The due process hearing will be held at a time and place that is reasonably convenient to you. Within 30 calendar days of receipt of your request for a due process hearing, a hearing will be held to review your concerns and a written decision mailed to you.

- The hearing will be conducted by a hearing officer named by the Assistant Commissioner of Special Education on behalf of the State Board of Education. This hearing officer shall be knowledgeable of services for infants and toddlers and shall not be an employee of any state agency or service providers responsible for providing